

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

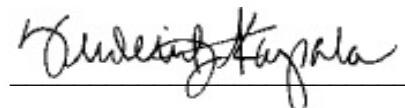
Michele Nischan,)
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Plaintiff,)
)
)
v.) Case No: 13 C 50389
)
)
Stratosphere Quality, LLC, et al,)
)
)
Defendants.) Judge Frederick J. Kapala

ORDER

This matter comes before the court on a report and recommendation (“R&R”) [37] from the magistrate judge entered on 5/5/2014 recommending dismissal of this matter against defendant Chrysler Motor Corporation for failure to serve process. On May 2, 2014, the magistrate judge ordered plaintiff to file a status report detailing efforts to serve Chrysler Motor Corporation, but she failed to file a status report. According to the R&R, plaintiff last attempted to unsuccessfully serve her complaint in January 2014. Federal Rule of Civil Procedure 4(m) indicates that a complaint not served within 120 days must be dismissed as against the unserved defendant without prejudice. The complaint was originally filed on December 20, 2013, more than 120 days ago. Additionally, plaintiff has not offered any objections to the magistrate’s recommendation. Accordingly, there being no written objection to the magistrate’s R&R entered on 5/5/2014, see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140, 149-50 (1985) and the court having reviewed the report and recommendation, the court accepts the report and recommendation [37] and dismisses Chrysler Motor Corporation from the case without prejudice.

Date: 5/29/2014

ENTER:



FREDERICK J. KAPALA

District Judge